IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.235 OF 2003

The State of Maharashtra ...Appellant

vs.

Mukesh Premraj Mandot ...Respondent

Mr.S.R.Borulkar, Public Prosecutor for State

CORAM: A.S.OKA,J.
DATE : NOVEMBER 30,2006.

P.C.:

1. Heard learned A.P.P. on the prayer for grant of leave to prefer an Appeal. The acquittal of the Respondent is for offence punishable under section 7 (i) read with section 2(ia) (a) and 2(ia) (m) and section 7 (v) read with Rule 50 punishable under section 16 of the Prevention of Food Adulteration Act, 1954. The finding of acquittal is based on the deposition of P.W.no.5 Gaikwad who was not declared hostile. He admitted that even before the pot was cleaned, the alleged adulterated ground nut oil was collected in the said pot and from the said pot, the oil was poured into three bottles which were sent as a sample.

2. If this is the admitted position, I find that the view taken by the learned trial Judge is a possible view which could have been taken on the basis of the evidence on record. No case is made out for grant of leave. Appeal is dismissed.

JUDGE